

Notice of Allowability

Application No.

10/699,951

Applicant(s)

KAUSHIVA, BRYAN D.

Examiner

Art Unit

Rosalynd Keys

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and remarks filed July 1, 2005.
2. ☒ The allowed claim(s) is/are 1-20 and 23-44 (now claims 1-42).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/4/05
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John E. Mrozinski, Jr. on October 6, 2005.

The application has been amended as follows: cancel claims 22 and 46.

Allowable Subject Matter

2. Claims 1-20 and 23-44 (now claims 1-42) are allowed.

Response to Arguments

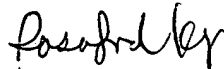
3. Applicant's arguments, see last paragraph on page 11, filed July 1, 2005, with respect to claims 1-20 and 23-44 have been fully considered and are persuasive. The rejection of claims 1-20 and 23-44 has been withdrawn.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosalynd Keys whose telephone number is 571-272-0639. The examiner can normally be reached on M and F 3:00-8:00 pm and T-TR 5:30-10:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rosalynd Keys
Primary Examiner
Art Unit 1621

October 11, 2005

Examiner's amendment

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Amendments to the Claims

This listing of claims will replace all prior versions, and listings of claims in this application:

Listing of Claims:

Claim 1 (Original): A process for preparing an ethylene oxide (EO)-capped polyol comprising:

- a) charging a reactor with starter containing acid sufficient to acidify residual basicity in the reactor from a previous batch of ethylene oxide (EO)-capped polyol, with the proviso that no precipitate is formed by reaction of the acid with the residual basicity;
- b) adding and activating a double metal cyanide (DMC) catalyst;
- c) feeding one or more oxyalkylenes to the reactor to produce a DMC-catalyzed polyol;
- d) adding a basic catalyst to the double metal cyanide (DMC)-catalyzed polyol to form a mixture comprising less than about 3 wt. %, based on the total weight of the mixture, of the basic catalyst,
or
adding to the double metal cyanide (DMC)-catalyzed polyol, an unrefined polyol prepared in the presence of a basic catalyst to form a mixture comprising less than about 25 wt.%, based on the total weight of the mixture, of base-catalyzed polyol and less than about 3 wt. %, based on the total weight of the mixture, of the basic catalyst; and
- e) ethoxylating the mixture at a temperature of from about 85°C to about 220°C to produce an EO-capped polyol.

Claim 2 (Original): The process according to Claim 1, wherein the double-metal cyanide (DMC) catalyst is zinc hexacyanocobaltate.

Claim 3 (Original): The process according to Claim 1, wherein the basic catalyst is chosen from potassium hydroxide and sodium hydroxide.

Claim 4 (Original): The process according to Claim 1, wherein the mixture comprises from about 0.05 to less than about 3 wt. %, based on the total weight of the mixture, of the basic catalyst.

Claim 5 (Original): The process according to Claim 1, wherein the mixture comprises from about 0.1 to about 1 wt. %, based on the total weight of the mixture, of the basic catalyst.

Claim 6 (Original): The process according to Claim 1, wherein the starter is chosen from polyoxypropylene polyols, polyoxyethylene polyols, polytetramethylene ether glycols, glycerol, propoxylated glycerols, propylene glycol, tripropylene glycol, alkoxylated allylic alcohols, bisphenol A, pentaerythritol, sorbitol, sucrose, degraded starch, water and mixtures thereof.

Claim 7 (Original): The process according to Claim 1, wherein the one or more oxyalkylenes are chosen from propylene oxide, ethylene oxide, butylene oxide, isobutylene oxide, 1-butene oxide and 2-butene oxide.

Claim 8 (Original): The process according to Claim 1, wherein the double-metal cyanide (DMC)-catalyzed polyol is a polyoxypropylene polyol.

Claim 9 (Original): The process according to Claim 1, wherein the double-metal cyanide (DMC)-catalyzed polyol includes a random or block copolymer of oxyethylene and oxypropylene.

Claim 10 (Original): The process according to Claim 1, wherein the ethylene oxide (EO)-capped polyol is an ethylene oxide (EO)-capped polyether polyol.

Claim 11 (Original): The process according to Claim 1, wherein the acid is chosen from inorganic acids, organic acids and derivatives thereof, carboxylic acids and derivatives thereof, dicarboxylic acids, halogenated organic acids and derivatives thereof, amino acids and derivatives thereof, boronic acids and derivatives thereof, phosphonic acids and derivatives thereof, phosphinic acids and arsenic acids.

Claim 12 (Original): The process according to Claim 1, wherein the acid is chosen from sulfuric acid, phosphoric acid, nitric acid, periodic acid, sulfonic acids and their derivatives, formic acid, acetic acid, propionic acid, benzoic acid, hydroxyl carbonic acid, lactic acid, mercaptosuccinic acid, thiolactic acid, mandelic acid, malic acid, tartaric acid, oxalic acid, malonic acid, succinic acid, fumaric acid, phthalic acid, 5-cholorsalicylic acid, trifluorolactic acid, 3,5-dibromosalicylic acid, 3-fluoro-4-hydroxybenzoic acid, boric acid, methylboronic acid, butylboronic acid, 2-thiophenediboronic acid, propylphosphonic acid, 3-aminopropylphosphonic acid, phenylphosphonic acid, phenylphosphinic acid and o-arsanilic acid.

Claim 13 (Original): The process according to Claim 1, wherein the acid is chosen from alkyl benzene sulfonic acids, alkyltoluene sulfonic acids and alkyl naphthalene sulfonic acids.

Claim 14 (Original): The process according to Claim 1, wherein the acid is chosen from dodecylbenzene sulfonic acid (DDBSA), dodecyltoluene sulfonic acid and butyl- or amyl naphthalene sulfonic acid.

Claim 15 (Original): The process according to Claim 1, wherein the acid is dodecylbenzene sulfonic acid (DDBSA).

Claim 16 (Original): The process according to Claim 1, wherein the acid is lactic acid.

Claim 17 (Original): The process according to Claim 1, wherein the step of ethoxylating is carried out at a temperature of from about 85°C to about 180°C.

Claim 18 (Original): The process according to Claim 1, wherein the step of ethoxylating is carried out at a temperature of from about 110°C to about 140°C.

Claim 19 (Original): The process according to Claim 1 further including a step of refining the ethylene oxide (EO)-capped polyol.

Claim 20 (Currently amended): The process according to Claim 19, wherein the step of refining includes treating the ethylene oxide (EO)-capped polyol with an ion exchange resin.

Claim 21 (Cancelled).

Claim 22 (Original): In a method of making one of a polyurethane foam, coating, adhesive, sealant and elastomer, the improvement comprising including a polyol made by the process according to Claim 1.

Claim 23 (Original): A process for preparing an ethylene oxide (EO)-capped polyol comprising:

- a) charging a reactor with starter;
- b) acidifying residual basicity in the reactor from a previous batch of ethylene oxide (EO)-capped polyol by adding an acid, with the proviso that no precipitate is formed by reaction of the acid with the residual basicity;
- c) adding and activating a double metal cyanide (DMC) catalyst;
- d) feeding one or more oxyalkylenes to the reactor to produce a DMC-catalyzed polyol;

- e) adding a basic catalyst to the double metal cyanide (DMC)-catalyzed polyol to form a mixture comprising less than about 3 wt. %, based on the total weight of the mixture, of the basic catalyst,
or
adding to the double metal cyanide (DMC)-catalyzed polyol, an unrefined polyol prepared in the presence of a basic catalyst to form a mixture comprising less than about 25 wt.%, based on the total weight of the mixture, of base-catalyzed polyol and less than about 3 wt.%, based on the total weight of the mixture, of the basic catalyst; and
- f) ethoxylating the mixture at a temperature of from about 85°C to about 220°C to produce an EO-capped polyol.

Claim 24 (Original): The process according to Claim 23, wherein the double-metal cyanide (DMC) catalyst is zinc hexacyanocobaltate.

Claim 25 (Original): The process according to Claim 23, wherein the basic catalyst is chosen from potassium hydroxide and sodium hydroxide.

Claim 26 (Currently amended): The process according to Claim 23, wherein the DMC-catalyzed polyol ~~mixture~~ comprises from about 1 to less than about 35 wt.%, ethylene oxide (EO) ~~based on the total weight of the mixture, of basic catalyst.~~

Claim 27 (Currently amended): The process according to Claim 23, wherein the DMC-catalyzed polyol ~~mixture~~ comprises from about 3 to about 30 wt.%, ~~based on the total weight of the mixture,~~ ethylene oxide (EO) ~~of basic catalyst.~~

Claim 28 (Original): The process according to Claim 23, wherein the mixture comprises from about 5 to less than about 20 wt.%, based on the total weight of the mixture, of base-catalyzed polyol.

Claim 29 (Original): The process according to Claim 23, wherein the basic catalyst comprises from about 0.5 to less than about 3 wt.%, based on the total weight of the mixture, of base-catalyzed polyol.

Claim 30 (Original): The process according to Claim 23, wherein the starter is chosen from polyoxypropylene polyols, polyoxyethylene polyols, polytetramethylene ether glycols, glycerol, propoxylated glycerols, propylene glycol, tripropylene glycol, alkoxylated allylic alcohols, bisphenol A, pentaerythritol, sorbitol, sucrose, degraded starch, water and mixtures thereof.

Claim 31 (Original): The process according to Claim 23, wherein the one or more oxyalkylenes are chosen from propylene oxide, ethylene oxide, butylene oxide, isobutylene oxide, 1-butene oxide and 2-butene oxide.

Claim 32 (Original): The process according to Claim 23, wherein the double-metal cyanide (DMC)-catalyzed polyol is a polyoxypropylene polyol.

Claim 33 (Original): The process according to Claim 23, wherein the double-metal cyanide (DMC)-catalyzed polyol includes a random or block copolymer of oxyethylene and oxypropylene.

Claim 34 (Original): The process according to Claim 23, wherein the ethylene oxide (EO)-capped polyol is an ethylene oxide (EO)-capped polyether polyol.

Claim 35 (Original): The process according to Claim 23, wherein the acid is chosen from inorganic acids, organic acids and derivatives thereof, carboxylic acids and derivatives thereof, dicarboxylic acids, halogenated organic acids and derivatives thereof, amino acids and derivatives thereof, boronic acids and derivatives thereof, phosphonic acids and derivatives thereof, phosphinic acids and arsenic acids.

Claim 36 (Original): The process according to Claim 23, wherein the acid is chosen from sulfuric acid, phosphoric acid, nitric acid, periodic acid, sulfonic acids and their derivatives, formic acid, acetic acid, propionic acid, benzoic acid, hydroxyl carbonic acid, lactic acid, mercaptosuccinic acid, thiolactic acid, mandelic acid, malic acid, tartaric acid, oxalic acid, malonic acid, succinic acid, fumaric acid, phthalic acid, 5-cholorsalicylic acid, trifluorolactic acid, 3,5-dibromosalicylic acid, 3-fluoro-4-hydroxybenzoic acid, boric acid, methylboronic acid, butylboronic acid, 2-thiophenediboronic acid, propylphosphonic acid, 3-aminopropylphosphonic acid, phenylphosphonic acid, phenylphosphinic acid and o-arsanilic acid.

Claim 37 (Original): The process according to Claim 23, wherein the acid is chosen from alkylbenzene sulfonic acids, alkyltoluene sulfonic acids and alkyl naphthalene sulfonic acids.

Claim 38 (Original): The process according to Claim 23, wherein the acid is chosen from dodecylbenzene sulfonic acid (DDBSA), dodecyltoluene sulfonic acid and butyl- or amyl naphthalene sulfonic acid.

Claim 39 (Original): The process according to Claim 23, wherein the acid is dodecylbenzene sulfonic acid (DDBSA).

Claim 40 (Original): The process according to Claim 23, wherein the acid is lactic acid.

Claim 41 (Original): The process according to Claim 23, wherein the step of ethoxylating is carried out at a temperature of from about 85°C to about 180°C.

Claim 42 (Original): The process according to Claim 23, wherein the step of ethoxylating is carried out at a temperature of from about 110°C to about 140°C.

Claim 43 (Original): The process according to Claim 23 further including a step of refining the ethylene oxide (EO)-capped polyol.

Claim 44 (Original): The process according to Claim 43, wherein the step of refining includes an ion exchange resin.

Claim 45 (Cancelled).

Claim 46 (Original): In a method of making one of a polyurethane foam, coating, adhesive, sealant and elastomer, the improvement comprising including a polyol made by the process according to Claim 23.